

IN THE UNITED STATES COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

INTERNATIONAL ASSOCIATION OF)
MACHINISTS AND AEROSPACE)
WORKERS, LOCAL LODGE 1632,)

Plaintiff,)

vs.)

PEMCO WORLD AIR SERVICES, INC,)

Defendant.)

Civil Action No. 1:07-CV-0174-WKW-WC

ANSWER

COMES NOW the Defendant, Pemco World Air Services, Inc., (“Defendant” or “Pemco”), and answers the consecutively numbered paragraphs of Plaintiff’s Complaint as follows:

1. Defendant admits that this Court has jurisdiction of the statutory claim made in this action and that venue is proper. However, Defendant denies that this claim is properly brought under 29 U.S.C. § 185(a) and states that any current dispute between Plaintiff and Defendant is subject to the binding grievance and arbitration procedure under the applicable Collective Bargaining Agreement.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted in part and denied in part. The Arbitrator's Opinion and Award speaks for itself.

12. Admitted.

13. Denied.

14. Defendant hereby incorporates by reference its answers and responses to Paragraphs 1-13 of Plaintiff's Complaint.

15. Denied.

16. Denied.

17. As to the "WHEREFORE" of Plaintiff's Complaint, Defendant denies that Plaintiff is entitled to any of the relief requested or any other relief.

AFFIRMATIVE AND/OR ADDITIONAL DEFENSES

18. The issues and matters made the basis of Plaintiff's Complaint are subject to final and binding resolution under the grievance and arbitration provisions of the applicable Collective Bargaining Agreement.

19. Plaintiff has failed to exhaust its contractual grievance and arbitration remedies with regard to the current dispute made the basis of Plaintiff's Complaint.

20. Defendant has not failed to comply with the Arbitrator's Opinion and Award.

21. Defendant's current utilization of outside contractor employees to supplement its current work force was not the subject matter of Arbitrator Bain's Opinion and Award and does not violate that opinion and award.

22. At the time of filing this Answer, Defendant has neither commenced nor completed discovery in this cause and reserves the right to amend this Answer at a later date and consistent with any deadlines set by the Court.

s/ Stephen E. Brown

Stephen E. Brown

s/ Jeffrey A. Lee

Jeffrey A. Lee
Attorneys for Defendant Pemco
World Air Services, Inc.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

s/ Stephen E. Brown

OF COUNSEL